

PBT

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Caption:

Maria Laura Rustin

Full name(s) of Plaintiff(s)

v.

Child Guidance Resources
Centers

Full name(s) of Defendant(s)

FILED

JUL 18 2017

KATE BARMAN, Clerk
By [Signature] Dep. Clerk

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

CIVIL ACTION
NO. 17

3117

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

☐ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

(Rev. 10/2009)

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NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Maria L. Rustin
 Street Address: 562 E. Chestnut St
 County, City: Chester County, Coatesville
 State & Zip: PA 19320
 Telephone Number: 610-220-1882

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: Child Guidance Resource Centers
 Street Address: 2000 Old West Chester Pike
 County, City: Delaware County, Havertown
 State & Zip: PA, 19083
 Telephone Number: 484-454-8700

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: Child Guidance Resource Centers
 Street Address: 744 E. Lincoln Hwy
 County, City: Chester County, Coatesville
 State & Zip: PA 19320
 Telephone Number: 610-389-5655

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

☐ Failure to hire me
☒ Termination of my employment
☐ Failure to promote me

☐ Failure to reasonably accommodate my disability

☐ Failure to reasonably accommodate my religion

☒ Failure to stop harassment

☒ Unequal terms and conditions of my employment

☒ Retaliation

☐ Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) Oct, (day) 7, (year) 2015.

C. I believe that the defendant(s) (check one):

☐ is still committing these acts against me.

☒ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

☒ race African-American color _____

religion _____ gender/sex _____

national origin _____

age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

On Oct 7, 2015 I received my Performance Evaluation. I scored low in 2 areas (below avg). I asked my Supervisor why I scored low and he said it was because of the two supervisions where I discussed racism. I told him it is against the law to retaliate against me (Low score that I've scored Exceeds Expectation from prior supervisor) for talking about racism. He said we need to talk to his supervisor. When his supervisor did not want to talk to me at that time I feared losing my job. I called Human Resources & she said she would talk to my supervisor and his supervisor about the law. She later (during a meeting) said we were not there to talk about that. The harassment started after that & eventually they terminated me in April 2016.

NOTE: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: Oct 18, 2015 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue Letter.

☒ issued a Notice of Right to Sue Letter, which I received on Apr 27, 17 (Date).

NOTE: *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have passed.

☐ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: _____ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

☐ One year or more has passed.

☐ Less than one year has passed.

EEOC Form 5 (11/09)		
CHARGE OF DISCRIMINATION	Charge Presented To:	Agency(ies) Charge No(s)
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	<input type="checkbox"/> FEPA	
	<input checked="" type="checkbox"/> EEOC	530-2016-00410
Pennsylvania Human Relations Commission		and EEOC
State or local Agency, if any		

Name (Indicate Mr., Ms., Mrs.)	Home Phone (Ind. Area Code)	Date of Birth
Ms. Maria L. Rustin	(610) 220-1882	02-03-1956
Street Address City, State and ZIP Code		
562 E. Chestnut Street, Coatesville, PA 19320		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name	No. Employees, Members	Phone No. (Include Area Code)
CHILD GUIDANCE RESOURCE CENTER	500 or More	(610) 383-5635
Street Address City, State and ZIP Code		
744 E. Lincoln High Way, Coatesville, PA 19320		
Name	No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE
		Earliest Latest
<input checked="" type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> SEX
<input type="checkbox"/> RELIGION	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> 10-07-2015 10-07-2015
<input checked="" type="checkbox"/> RETALIATION	<input type="checkbox"/> AGE	<input type="checkbox"/> DISABILITY
<input type="checkbox"/> GENETIC INFORMATION	<input type="checkbox"/> OTHER (Specify)	<input checked="" type="checkbox"/> CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am an African-American female that has been employed by Child Guidance Resource Center ("Respondent") as a Family Based Therapist since 05/22/15. I was initially hired by the Respondent on 01/22/13 as a Behavior Specialist/Mobile Therapist. On 06/23/15, I alleged to my supervisor Thomas Ernst that I was being treated differently due to my race. The allegation stemmed from an altercation with a coworker where I was called "too pushy". On/about July 1, 2015 I was accused of initiating a discussion on racism with a client and another agency even though the discussion was initiated by a Caucasian co-therapist, Christina Mancuso. I complained about the discriminatory treatment again on 09/14/15. On 10/01/15, I received a low performance evaluation rating from my supervisor, Thomas Ernst, for alleging racism in the workplace stemming from the disagreement I had with Mancuso in September of 2015. I contacted Human Resources Director Marsha Efiour on 10/01/15 to discuss my feeling that I was being retaliated against for alleging discriminatory treatment previously. Furthermore, on 10/06/15, I sent a certified letter to Mr. Brad Berry, CEO of Child Guidance alleging racism in the workplace.

I was told by my supervisor, Thomas Ernsts, that I was receiving a low performance

Regarding the incident with the client/agency meeting, my supervisor accused me of initiating the discussion despite the client's explanation that I was not the one that had started it. There was no follow up by Marsha Efiour regarding my allegations of retaliation and racism. On 11/18/15, I received a follow up from Mr. Berry which stated that there was "no indication of racism by any staff member."

I believe that I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended in that, I received a negative evaluation and was harassed due to my race (Black, African-American). I also feel that I have been retaliated against by receiving a negative evaluation and by being harassed because I made allegations of racism in the workplace.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.		
I declare under penalty of perjury that the above is true and correct.		
		SIGNATURE OF COMPLAINANT <i>Maria L. Ruttin</i>
12/24/15	<i>Maria Ruttin</i>	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
Date	Charging Party Signature	<i>Dec 24, 2015</i>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as *(check only those that apply)*:

- ☐ Direct the defendant to hire the plaintiff.
- ☐ Direct the defendant to re-employ the plaintiff.
- ☐ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☒ Direct the defendant to *(specify)*: pay lost wages for 5yrs & pay for
- ☐ If available, grant the plaintiff appropriate injunctive relief, lost wages, emotional
distress
liquidated/double damages, front pay, compensatory damages, punitive damages,
prejudgment interest, post-judgment interest, and costs, including reasonable
attorney fees and expert witness fees.
- ☐ Other *(specify)*: _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8 day of July, 20 17

Signature of Plaintiff
Address

Maria L. Rustin
562 E. Chestnut St
Coatesville Pa 19320

Telephone number
Fax number *(if you have one)*

610-220-1882
